

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,  
  
V.  
  
DAVID CALHOUN

Case no. 05-cr-363  
Cynthia Rufe, Judge

DEFENDANT/PETITIONER'S RESPONSE TO COURT ORDER DATED  
OCTOBER 26, 2018

COMES NOW, David Calhoun, defendant/petitioner, pro se, and hereby responds (as directed) to the Court's Order dated October 26, 2018 that requests the parties to respond and provide the current status of a prior motion (Dkt. #675). Mr. Calhoun responds:

1. Mr. Calhoun has attached hereto a copy of a letter he has sent to prior counsel requesting verification that she had indeed turned over all requested materials to stand-by counsel.

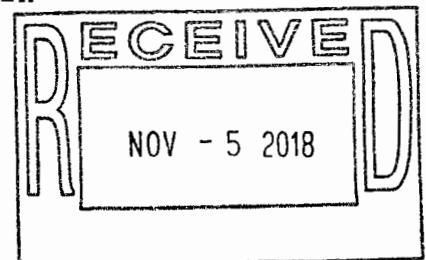
2. Upon prior counsel's representation that she had indeed turned over all materials described in Dkt. #675 --Mr. Calhoun's Motion to Compel Prior Counsel to Turn Over Case File, Mr. Calhoun will withdraw said motion.

3. The withdraw of said motion is solely contingent upon prior counsel's representation and should prior counsel so respond that all requested materials were provided to stand-by counsel or a representative of Ballard Spahr, this Court may immediately deem said motion as withdrawn.

Respectfully submitted,

*David Calhoun*  
David Calhoun

DATE: October 29, 2018

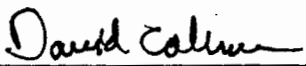


CERTIFICATE OF SERVICE

I David Calhoun hereby certify that I have caused to be served a true and correct copy of the foregoing Response to Court Order dated October 26, 2018 upon counsel for the government by depositing said copy into the prison legal mail service at FDC Philadelphia with first-class U.S. Postage affixed and addressed as follows:

Joel Goldstein, AUSA, U.S. Atty's Office  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106

DATE: October 30, 2018

  
\_\_\_\_\_  
David Calhoun, pro se  
Fed. Reg. No. 59771-066  
FDC Philadelphia  
P.O. Box 562  
Philadelphia, PA 19106

ATTACHMENT

David Calhoun  
Fed. Reg. no. 59771-066  
FDC Philadelphia  
P.O. Box 562  
Philadelphia, PA 19106

October 29, 2018

↔59771-066↔

Ellen Brotman  
Attorney at Law  
1 S Broad ST  
Suite 1500  
Philadelphia, PA 19107  
United States

RE: U.S. v. Calhoun, Case No. 05-cr-363, USDC E.D.Pa.

Subject: Motion to Compel Prior Counsel to Turn Over Case File

Dear Ms. Brotman,

I hope this letter finds you well. I am writing because I was prompted by the District Court's Order dated October 26, 2018 directing me to respond to said Order as it relates to a motion to compel I had filed well over a year ago. Please forgive my hasty attempt to resolve this matter and please forgive the fact that my memory as to what had transpired between you and my stand-by counsel long ago in 2017 is somewhat vague.

Please respond to the Court acknowledging that you have indeed turned over all documents to stand-by counsel (or a representative from his firm) that are described in Docket #675 (said motion to compel). Upon your representation to such, I will gladly withdraw the motion to compel.

Although I believe I have all of the transcripts from the case, it has been so long that I am not sure whether that is true. However, as long as stand-by counsel is in possession of all of said documents I can work out any details of obtaining those not in my possession from stand-by.

Thank you for all of your attention in this matter. A copy of the Court's Order dated October 26, 2018 is enclosed for your records.

Respectfully,

*David Calhoun*  
David Calhoun

Enc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

v. :

CRIMINAL ACTION NO. 05-363

DAVID CALHOUN :

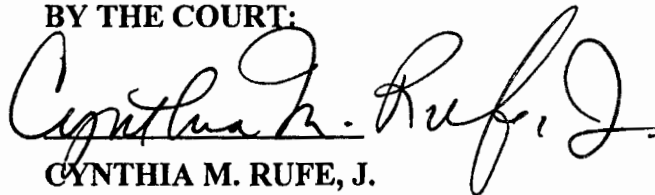
Petitioner. :

**ORDER**

~~AND NOW~~; this 26th day of October 2018, upon review of Defendant David Calhoun's Motion to Compel Prior Counsel to Turn Over his Case File [Doc. 675], it is hereby **ORDERED** that parties are directed to provide the Court with the status of this Motion, whether or not it is now moot, and whether Defendant David Calhoun shall withdraw this Motion.<sup>1</sup>

**IT IS SO ORDERED.**

BY THE COURT:

  
CYNTHIA M. RUFÉ, J.

FILED OCT 26 2018

<sup>1</sup> In this Motion, which was filed on May 17, 2017, Defendant David Calhoun asked for documents, including transcripts. However, it appears that Defendant Calhoun must have such transcripts because he has since filed a Motion to Correct the Record in Transcripts, and has cited to specific instances in the record [Doc. 692]. Additionally, in his traverse brief in reply to the Government's response in opposition to his amended habeas petition [Doc. 690], Defendant Calhoun has provided ample citations to various records and documents that he is seeking from this Motion.